

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

REGINALD GIBSON,

Plaintiff,

v.

E. CASTELLANOS, et al.,

Defendants.

No. 1:21-cv-00794 KES GSA (PC)

ORDER DIRECTING PLAINTIFF TO SHOW
CAUSE WHY DEFENDANTS' MOTION TO
COMPEL SHOULD NOT BE GRANTED

(ECF No. 46)

PLAINTIFF'S SHOWING OF CAUSE OR, IN
THE ALTERNATIVE, HIS RESPONSE TO
DEFENDANTS' MOTION TO COMPEL DUE
JUNE 13, 2024

On April 12, 2024, Defendants filed a motion to compel Plaintiff's responses to their requests for admissions and requests for production of documents. ECF No. 46. Consistent with Local Rule 230, Plaintiff had twenty-one days to file a response to Defendants' motion. See Local Rule 230(l) (giving parties in prisoner actions twenty-one days to file responses to motions).

More than twenty-one days have passed and Plaintiff has not yet filed a response to Defendants' motion. The Court also recognizes that because the period within which Defendants were to be able to file a reply to Plaintiff's response has also closed, the Court is to deem Defendants' motion to compel submitted. See Local Rule 230(l). Prior to reviewing Defendants' motion, and out of an abundance of caution, Plaintiff will first be given the opportunity to show

1 cause why Defendants' motion should not be granted. In the alternative, Plaintiff may simply file
2 a response to Defendants' motion to compel. Plaintiff will be given thirty days to do one of these
3 two options.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff is ordered to SHOW CAUSE why Defendants' motion to compel (ECF No.
6 46) should not be granted; or
7 2. In lieu of filing a showing of cause, Plaintiff may file appropriate responses to
8 Defendants' motion to compel, and
9 3. Within thirty days from the date of this order – **by June 13, 2024**, – Plaintiff shall
10 either file the showing of cause or file a response to Defendants' motion to compel.

11 **Plaintiff is cautioned that failure to comply with this order within the time allotted
12 may result in a recommendation that this matter be dismissed.**

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14 IT IS SO ORDERED.
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16 Dated: May 14, 2024

17 /s/ Gary S. Austin
18 UNITED STATES MAGISTRATE JUDGE
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